IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 30394 of 2006(R)

PETITIONER:

A.A. PAREED,
JOINT REGIONAL TRANSPORT OFFICER, N.PARUR.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:
----

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN
SRI.MATHEW K.PHILIP FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.30394/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF G.O DATED 22.2.2006.

EXT.P2: TRUE COPY F STATEMENT DATED 19.5.2006 FOR DECLARATION OF COMPLETION OF PROBATION IN RESPECT OF A.A.PAREED, JOINT R.T.O.

EXT.P3: TRUE COPY OF ORDER DATED 23.8.2006 GO(RT) NO.174/06/VIG.

EXT.P4: TRUE COPY OF MEMO OF CHARGES WITH STATEMENT OF ALLEGATION.

EXT.P5: TRUE COPY OF STATEMENT OF DEFENCE DATED 4.12.2006 FROM THE PETITIONER.

EXT.P6: TRUE COPY OF CIRCULAR NO.19/79 DATED 29.5.1979.

EXT.P7: TRUE COPY OF CIRCULAR NO.23/98 DATED 29.7.98.

//TRUE COPY//

K.K. DENESAN, J.

= = = = = = = = = = = = = = = = =
W.P.(C) No. 30394 OF 2006 R
= = = = = = = = = = = = = = = = =

Dated this the 6th February, 2007

J U D G M E N T

The petitioner is in the cadre of Joint Regional Transport Officer. He had been working in that category from 23-7-2002 onwards. His probation was not declared despite completion of the requisite period prescribed therefor. In the normal course, probation ought to have been declared on 23-7-2003. The petitioner submits that he is entitled to be promoted to the post of Regional Transport Officer. However, for two reasons, his case was not considered by the D.P.C. (1) He had not completed the period of probation satisfactorily in the category of Joint Regional Transport Officer. And (2) Disciplinary proceedings were pending against him and in connection with the disciplinary proceedings he was placed under suspension.

2. This Court passed an interim order directing the 1st respondent to consider the case of the petitioner for satisfactory completion of probation.

3. Govt. Pleader, on instruction, submits that

orders have been passed by the competent authority declaring the probation of the petitioner in the category of Joint Regional Transport Officer with effect from 24-7-2003. Relief prayed for by the petitioner on that score stands allowed by the department itself and no adjudication on the question of entitlement of the petitioner for declaration of probation survives.

4. Ext. P3 order shows that the disciplinary proceedings initiated against the petitioner were finalised exonerating him from the charges. In the light of the above facts, it is only proper that the respondents consider the case of the petitioner for selection to the post of Regional Transport Officer. The Departmental Promotion Committee, which met last, did not consider the case of the petitioner for reasons aforesaid. Now that those hurdles are no more there, the respondents shall take steps to see that an ad hoc meeting of the D.P.C. is convened, the case of the petitioner is placed before the ad hoc D.P.C., the D.P.C. considers the records thus placed before it and takes appropriate decision. Having regard to the fact

that the petitioner is due to retire from service within a short period, the decision to convene the ad hoc meeting of the D.P.C. shall be taken within one month from the date of receipt of a copy of the judgment. The meeting of the ad hoc D.P.C. shall be convened, at any rate, within 3 months from the date of receipt of a copy of the judgment.

With the above directions, the writ petition is disposed of.

K.K. DENESAN
JUDGE

jan/